
HOUSE BILL No. 1050

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-4-14.5; IC 35-48-8.

Synopsis: Methamphetamine raw ingredients. Makes the possession of one or more chemical reagents or precursors with the intent to manufacture methamphetamine a Class D felony. Increases the penalty to a Class C felony if the person also possesses a firearm or is within 1,000 feet of a school, public park, housing complex, or youth center while committing the crime. Prohibits the sale of products containing ephedrine or pseudoephedrine in a display that is accessible to the public without the assistance of a store employee.

Effective: July 1, 2003.

Frenz

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1050

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-48-4-14.5, AS AMENDED BY P.L.17-2001,
- 2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2003]: Sec. 14.5. (a) As used in this section, "chemical
- 4 reagents or precursors" refers to one (1) or more of the following:
- 5 (1) Ephedrine.
- 6 (2) Pseudoephedrine.
- 7 (3) Phenylpropanolamine.
- 8 (4) The salts, isomers, and salts of isomers of a substance
- 9 identified in subdivisions (1) through (3).
- 10 (5) Anhydrous ammonia or ammonia solution (as defined in
- 11 IC 22-11-20-1).
- 12 (6) Organic solvents.
- 13 (7) Hydrochloric acid.
- 14 (8) Lithium metal.
- 15 (9) Sodium metal.
- 16 (10) Ether.
- 17 (11) Sulfuric acid.



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- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.

(b) A person who possesses ~~anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1)~~ **one (1) or more chemical reagents or precursors** with the intent to manufacture methamphetamine, a schedule II controlled substance under IC 35-48-2-6, commits a Class D felony. However, the offense is a Class C felony if the person possessed:

- (1) a firearm while possessing ~~anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1)~~ **one (1) or more chemical reagents or precursors** with intent to manufacture methamphetamine, a schedule II controlled substance under IC 35-48-2-6; or
- (2) ~~anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1)~~ **one (1) or more chemical reagents or precursors** with intent to manufacture methamphetamine, a schedule II controlled substance under IC 35-48-2-6 in, on, or within one thousand (1,000) feet of:
 - (A) school property;
 - (B) a public park;
 - (C) a family housing complex; or
 - (D) a youth program center.

(c) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture:

- (1) Methcathinone, a schedule I controlled substance under IC 35-48-2-4;
- ~~(2) Methamphetamine, a schedule II controlled substance under IC 35-48-2-6;~~
- ~~(3) (2)~~ Amphetamine, a schedule II controlled substance under IC 35-48-2-6; or
- ~~(4) (3)~~ Phentermine, a schedule IV controlled substance under IC 35-48-2-10;

commits a Class D felony.

~~(d) An offense under subsection (c) is a Class C felony if the person possessed:~~

- ~~(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture methamphetamine; a~~

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schedule H controlled substance under IC 35-48-2-6; or
 (2) two (2) or more chemical reagents or precursors with intent to
 manufacture methamphetamine; a schedule H controlled
 substance under IC 35-48-2-6 in, on, or within one thousand
 (+,000) feet of:

- (A) school property;
- (B) a public park;
- (C) a family housing complex; or
- (D) a youth program center.

(d) A person who sells anhydrous ammonia or ammonia solution
 (as defined in IC 22-11-20-1) to another person knowing that the
 person does not intend to use the anhydrous ammonia or ammonia
 solution (as defined in IC 22-11-20-1) for agricultural, scientific, or
 law enforcement purposes commits illicit sale of anhydrous
 ammonia, a Class D felony.

SECTION 2. IC 35-48-8 IS ADDED TO THE INDIANA CODE AS
 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2003]:

Chapter 8. Retail Sale of Methamphetamine Precursors

**Sec. 1. The owner of a retail establishment may not offer for sale
 a product containing:**

- (1) ephedrine; or
- (2) pseudoephedrine;

**in a display that is accessible to the public without the assistance of
 an employee of the retail establishment.**

**Sec. 2. (a) An owner of a retail establishment who violates this
 chapter commits a Class C infraction. A citation or summons
 issued under this chapter must provide notice that the product
 containing ephedrine or pseudoephedrine must be moved to a
 location that is not accessible to the public without the assistance
 of a store employee within two (2) business days.**

**(b) Notwithstanding IC 34-28-5-4(c), a judgment for an
 infraction committed under this chapter must be imposed as
 follows:**

- (1) If the owner of the retail establishment has not been issued
 a citation or summons for a violation of this chapter in the
 previous ninety (90) days, a civil penalty of fifty dollars (\$50).
- (2) If the owner of the retail establishment has had one (1)
 citation or summons issued for a violation of this chapter in
 the previous ninety (90) days, a civil penalty of two hundred
 fifty dollars (\$250).

In addition to any other penalty imposed under this subsection, if



1 the owner of the retail establishment has had two (2) citations or
2 summonses issued for a violation of this chapter in the previous
3 ninety (90) days for the same retail establishment, a law
4 enforcement officer having jurisdiction where the violation occurs
5 may seek injunctive relief to prohibit continued noncompliance
6 with this chapter.

7 (c) An owner of a retail establishment may not be issued a
8 citation or summons for a violation of this section more than once
9 every two (2) business days for each business location. This
10 subsection does not apply to a penalty imposed for the violation of
11 a court order.

12 SECTION 3. [EFFECTIVE JULY 1, 2003] IC 35-48-4-14.5, as
13 amended by this act, and IC 35-48-8, as added by this act, apply
14 only to acts committed after June 30, 2003.

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